

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FERNANDEZ, et al.

Plaintiff(s),

CASE NO. 06-07339 (MJJ)

v.

K-M INDUSTRIES HOLDING CO., INC.,

STIPULATION AND ~~PROPOSED~~  
ORDER SELECTING ADR PROCESS

Defendant(s).

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

**Court Processes:**

- Non-binding Arbitration (ADR L.R. 4)
- Early Neutral Evaluation (ENE) (ADR L.R. 5)
- Mediation (ADR L.R. 6)

*(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)*

**Private Process:**

- ✓ Private ADR (please identify process and provider) Private Mediation

The parties have not yet agreed on the identity of a mediator but will continue to meet and confer on the issue.

The parties agree to hold the ADR session by:

the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

- ✓ other requested deadline December 31, 2007.  
The parties may request an extension if it appears that the litigation is not yet developed enough to make mediation productive.

Dated: 3/9/07

/s/ Todd Jackson

Attorney for Plaintiff

Dated: 3/9/07



Andrew C. Sullivan

Attorney for Defendant

North Star Trust Company

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Dated: 3/9/07

/s/ Todd Jackson

Attorney for Plaintiff

Dated: 3/9/07

[Signature]  
Attorney for Defendant

K-M Industries Holding Co.

[Signature]

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Dated: 3/9/07

/s/ Todd Jackson

Attorney for Plaintiff

Dated: 3/9/07

Doanung T. Duong  
Attorney for Defendant

~~[PROPOSED]~~ ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- Non-binding Arbitration
- Early Neutral Evaluation (ENE)
- Mediation
- ✓ Private ADR

Deadline for ADR session

- 90 days from the date of this order.
- ✓ other December 31, 2007

IT IS SO ORDERED.

Dated: March 13, 2007



UNITED STATES DISTRICT JUDGE